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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|--------------------------|------------------|
| 10/718,014 | 11/21/2003 | John Anthony Mohr | 84599 | 8746 |
| 24129 | 7590 | 05/19/2005 | EXAMINER BLOUNT, ERIC | |
| NAVAIRWD COUNSEL GROUP 575 "I" AVE, SUITE 1 (CODE K00000E) BUILDING 36, ROOM 2308 POINT MUGU, CA 93042-5049 | | | ART UNIT 2636 | |

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/718,014 | Applicant(s) MOHR, JOHN ANTHONY | |
| | Examiner Eric M. Blount | Art Unit 2636 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/21/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-13, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson et al [Pub. No. US 2004/0150525 A1].

Regarding **claims 1 and 8**, Wilson discloses an electronic checkout system comprising:

- a. A tool box (10) located in a tool storage room (see Figure 1);
- b. Pluralities of tools (6) are stored in the toolbox and each of the tools have a tool identification means attached (8). The tool identification means for each of the tools provides a radio frequency signal containing a digital identification code, which operates as an identifier for each of the tools (paragraphs 26-28 and 36-37).
- c. First reader means mounted on the tool box (12); the first reader means adapted to receive and read the radio frequency signal provided by each of the tools to determine when each of the tools is being removed from the tool box by an unauthorized user (paragraph 36-37). The first reader means reads the radio frequency signal provided by each of the tools and records the digital tool

identification code for each of the tools which authorized user removed from the tool box (paragraphs 37).

d. Second reader means mounted on a wall adjacent an exit to said tool storage room (4, Figure 1). The second reader means is adapted to receive and read the radio frequency signal for each of the tools to determine when each of the tools is being removed from the tool storage room by an authorized user (paragraphs 36-38). The second reader means reads the radio frequency signal provided by each tool and records the digital tool identification code for each of the tools, which the authorized user removed from the tool storage room (paragraph 36).

e. An employee identification badge having employee identification means embedded therein. The employee identification badge is worn by an authorized user to identify the user as a user authorized to remove each of the tools from the toolbox and tool storage room (paragraph 40). The employee identification means for the employee identification badge provides a radio frequency signal containing a digital employee identification code for the authorized user.

f. The first and second reader means read the digital employee identification code for the employee identification badge to determine when the individual removing any one of the tools from the tool storage room and tool box is an authorized user (paragraph).

Wilson does not specifically disclose a toolbox or a plurality of tools. However, it would have been obvious to one of ordinary skill in the art at the time of the invention by

the applicant that any item could be tracked with the system taught by Wilson. Wilson discloses an item (6), which is analogous to a tool, and a cabinet (10), which serves as a toolbox.

As for **claims 2, 3, 9 and 10**, Wilson discloses that the tool identification means may operate at different frequency ranges and provide for various read distances (paragraph 31).

As for **claims 4 and 11**, Wilson discloses that the readers in the system are able to read or write information. Further, the readers are capable of communicating and recording digital tool identification codes and information (paragraphs 36-38).

As for **claims 5 and 12**, the reader means include an alarm, which is activated whenever an unauthorized individual removes one of the tools from the tool storage room (paragraphs 39-40).

As for **claims 6, 13, and 20**, it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that the employee identification means could have been embedded within a card, wrist band, or any other item which an employee would carry around or wear daily.

Regarding **claim 19**, Wilson reasonably appears to meet the limitations of the claim as written. Please refer to the discussion of claims 1-3 above.

3. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson as applied to the claims above, and further in view of Creel [Pub. No. US 2003/0102970 A1].

Regarding **claims 7 and 16**, Wilson does not specifically disclose the use of conventional tools. In an analogous art, Creel discloses a toolbox, which comprises an RFID reader and a plurality of tools, each having an RFID identification tag, embedded thereon. Creel shows in Figure 4 that a variety of tools may be tracked by the system. It would have been obvious to one of ordinary skill in the art that Wilson could be modified to track the use of conventional tools as taught by Creel or any other item which a user desired to monitor. The system would function the same as long as RFID readers were included and each item being tracked included an RFID tag.

4. Claims 14-15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson as applied to the claims above, and further in view of Sriharto et al [Pub No. US 2003/0117281].

Regarding **claims 14-15**, Wilson does not disclose RFID readers that include a keypad and display. In an analogous art, Sriharto discloses an electronic checkout system wherein an RFID reader has a sensor element for receiving signals for receiving signals from each of a plurality of tools transmitting a radio frequency identification code, a keypad, and a display (Figure 1 and paragraphs 18-20). The keypad allows authorized users to enter additional information into the reader assembly relating to each of the tools the authorized user removes from the toolbox (paragraph 30). The display allows the authorized user to read the additional information the authorized user entered into the reader (paragraph 30).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the readers taught by Wilson with the keypad and display means taught by Sriharto because the modification would allow a user to make real-time usage and status updates for each tool. The keypad could also be used as another security feature, which would require the user to enter an access code.

As for **claims 17 and 18**, Wilson discloses an electronic checkout system, which is connected to a network that includes the second reader adjacent the exit of the tool storage room. A toolbox transmits information relating to the removal of tools from the toolbox via radio frequency signals. A database is connected to the network and includes a list of employees authorized to remove tools from the toolbox (paragraphs 38-41). Though, Wilson does not specifically disclose a wireless link for connecting the readers to the communication network, it is obvious that one of ordinary skill in the art at the time of the invention by the applicant would have readily realized that a wireless link would be an appropriate means for communications on the network. Wilson does not disclose the use of a plurality of toolboxes.

Sriharto discloses an electronic checkout system that teaches the use of several toolboxes communicating on a network (paragraphs 25-27). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the electronic checkout system taught by Wilson to include a plurality of toolboxes. This would have been an obvious modification because it would allow a facility to take advantage of the communications network already taught by Wilson.

Different types of tools in different types of environments and locations could be reliably monitored and tracked within a facility.


Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Though not used in an art rejection, Holmes et al, Allen, Maloney, Muhme, Loosmore et al, Chung, Kaufman et al, Bowers et al, Tuttle, McDonald, Li et al, and Foster all taught object tracking and locating systems that were useful during the examination of the present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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